

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT WARD GARRISON,

Plaintiff,

v.

DOUG WADDINGTON, *et al.*,

Defendants.

Case No. C05-5487 RJB/KLS

ORDER GRANTING PLAINTIFF'S
MOTION FOR EXTENSION OF
TIME TO RESPOND TO
DEFENDANTS' MOTIONS FOR
SUMMARY JUDGMENT

This civil rights action has been referred to United States Magistrate Judge Karen L. Strombom pursuant to Title 28 U.S.C. § 636(b)(1)(B) and Local MJR 3 and 4. Presently noted for consideration on August 25, 2006 is defendants' motion for summary judgment, seeking dismissal of plaintiff's claims. (Dkt. # 38). Also noted for consideration is plaintiff's motion for an extension of time to respond to defendants' motion for summary judgment. (Dkt. # 43).

Plaintiff requests an indefinite extension of time, stating that he has access to only one-half of his legal files and the other one-half contains the materials he requires to respond to defendant's motion. Plaintiff requests that he be allowed to submit his response thirty days after he receives his legal files. Defendants respond that they are all officials and employees of the Stafford Creek Corrections Center and have no authority or control over plaintiff's access to his legal materials at

1 the Washington State Penitentiary (WSP) where plaintiff is currently housed. Defendants concede
2 that because plaintiff is in the intensive management unit of the WSP, there would likely be more
3 limitations placed on plaintiff's ability to access his property. Defendants do not oppose a reasonable
4 extension and suggest a thirty day extension for plaintiff to submit his response to the summary
5 judgment motion.

6 The court finds that a reasonable extension of time is warranted and therefore, the Clerk shall
7 **re-note** defendant's motion for summary judgment (Dkt. # 38) for the court's docket of **November**
8 **17, 2006**. Plaintiff's brief and affidavits in opposition to the motion shall be filed and served not
9 later than 4:30 p.m. on the Monday immediately preceding the Friday appointed for consideration of
10 the motion; if plaintiff fails to file and serve timely opposition to the motion, the court may deem any
11 opposition to be without merit. Defendants may file, not later than 4:30 p.m. on the Thursday
12 immediately preceding the Friday designated for consideration of the motion, a response to the
13 opposing party's briefs and affidavits.

14 The Clerk is directed to send copies of this order to plaintiff and counsel for defendants.

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16 DATED this 7th day of September, 2006.

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19 Karen L. Strombom
20 United States Magistrate Judge
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